

State of Texas into the States of New Mexico and Illinois, of quantities of butter which was adulterated and a part of which was misbranded. One shipment was labeled in part: "McIlhaney's Creamery Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

Misbranding was alleged as to the New Mexico shipment in that the label statement "Butter" was false and misleading, since it represented that the article was butter, i. e., a product which should contain not less than 80 percent by weight of milk fat; whereas the article contained less than 80 percent by weight of milk fat.

On May 15, 1939, a plea of guilty having been entered by the defendant, the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

30560. Adulteration of tullibeas. U. S. v. Leonard Jenson. Plea of guilty. Fine, \$50. (F. & D. No. 42660. Sample No. 21955-D.)

This product was infested with parasitic worms.

On May 23, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard Jenson, Baudette, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 13, 1938, from the State of Minnesota into the State of Illinois of a quantity of tullibeas which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, i. e., tullibeas which were infested with parasites.

On May 24, 1939, a plea of guilty having been entered by the defendant, the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

30561. Adulteration of frozen perch fillets. U. S. v. 135 Cartons of Perch Fillets. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45005. Sample No. 54632-D.)

This product had been shipped in interstate commerce and remained in the original packages. At the time of examination samples were found to be parasite-infested and decomposed.

On March 15, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 cartons of perch fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 28, 1939, from Boston, Mass., by Frosted Foods Sales Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Birdseye Frosted Foods Fillets of Red Perch."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On April 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

M. L. WILSON, *Acting Secretary of Agriculture.*

30562. Misbranding of beef and bone scrap. U. S. v. Consolidated By-Product Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42658. Sample Nos. 4863-D, 4864-D.)

This product contained a smaller proportion of protein than that declared on the label.

On February 20, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated By-Product Co., a corporation, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 23 and September 9, 1938, from the State of Pennsylvania into the State of Maryland, of quantities of beef and bone scrap which was misbranded.

The article was alleged to be misbranded in that the label statement "Protein 50%" was false and misleading, since the article contained less than 50 percent of protein, namely, 46.16 percent in one shipment and 45.81 percent in the other shipment.

On June 7, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*